

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CASE NO. 20-CV-954**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and VITAL  
MANAGEMENT SERVICES, INC.,

Defendants.

**PLAINTIFF'S NOTICE  
REGARDING MOTIONS TO  
SEAL MATTERS IN  
ECF NOS. 329, 344, AND 359**

By minute order on August 15, 2024, the Court denied Plaintiff's motions to seal at ECF Nos. 329, 344, and 359 without prejudice for Plaintiff to refile the motions to assert specifically the bases upon which the Court should seal the documents. Those motions to seal addressed the following matters:

- ECF No. 329 sought to seal portions of Plaintiff's Response in Opposition to the Motion to Non-Parties Christopher Swecker and Christopher Swecker Enterprises, LLC, for Fees and Costs and Exhibits 1-6 to that Response (ECF No. 327).
- ECF No. 344 sought to seal portions of Plaintiff's Response in Opposition to the Motion of Non-Parties Christopher Swecker and Christopher Swecker Enterprises, LLC, to Quash (ECF No. 346) and portions of Exhibits 2-4 to that Response.

- ECF No. 359 sought to seal portions of Plaintiff's Objections to or Appeal from the Special Master's Report and Decision No. 7 and portions of Exhibits 1-5, 9-11, 15, 17-19, 21-22, and 26-27 (ECF No. 361-362).

Plaintiff has reviewed the 25 exhibits at issue in those Motions, and files this notice to inform the Court and counsel of record that Plaintiff does not believe there is a basis to seal the above-referenced documents. Plaintiff initially filed the documents under seal because they had been designated by the producing parties as confidential under the protective order in this case. Plaintiff submits, however, that the documents do not independently meet the Fourth Circuit standard for filing matters under seal.

The exhibits at issue in those motions included deposition transcripts and documents produced in discovery that have been designated as confidential under the protective order by Defendants and non-parties, Christopher Swecker and Christopher Swecker Enterprises, LLC; Rich Garcia; Dechert LLP; and Linda Goldstein. The documents are relevant to the issues in this case, namely Defendants' hacking of Plaintiff's data and disclosure of that data online and to others, and Plaintiff does not believe that the documents require sealing.

Plaintiff has advised counsel for the designating parties about this filing and has offered them an opportunity to provide their position to be included in this filing. Those positions are included as Exhibit 1. Defendants, Dechert, and

Mr. Swecker have each indicated that they would file motions to seal matters in connection with the matters described above by September 5, 2024.

For the above reasons, Plaintiff does not request that the Court seal any of the documents in the above-referenced filings. Should Defendants or any third party move to seal any of the above-referenced exhibits, Plaintiff will seal or otherwise redact documents in accordance with any Order of the Court.

This, the 29th day of August, 2024.

**WOMBLE BOND DICKINSON (US) LLP**

/s/ Ripley Rand

Ripley Rand

North Carolina Bar No. 22275

Christopher W. Jones

North Carolina Bar No. 27625

555 Fayetteville Street, Suite 1100

Raleigh, North Carolina 27601

Phone: 919-755-2100

Fax: 919-755-2150

Email: [ripley.rand@wbd-us.com](mailto:ripley.rand@wbd-us.com)

[chris.jones@wbd-us.com](mailto:chris.jones@wbd-us.com)

-and-

**MILLER & CHEVALIER CHARTERED**

Kirby D. Behre (*pro hac vice*)  
Timothy P. O'Toole (*pro hac vice*)  
Lauren B. Briggerman (*pro hac vice*)  
Ian Herbert (*pro hac vice*)  
Calvin Lee (*pro hac vice*)  
Cody Marden (*pro hac vice*)  
900 16<sup>th</sup> Street, NW  
Washington, D.C. 20006  
Telephone: (202) 626-5800  
Fax: (202) 626-5801  
Email: [kbehre@milchev.com](mailto:kbehre@milchev.com)

*Counsel for Plaintiff Farhad Azima*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CASE NO. 20-CV-954**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and  
VITAL MANAGEMENT  
SERVICES, INC.,

Defendants.

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send electronic notification of this Notice to the following attorneys:

Brandon S. Neuman, Esq.

Jeffrey M. Kelly, Esq.

NELSON MULLINS RILEY & SCARBOROUGH, LLP

301 Hillsborough Street, Suite 1400

Raleigh, NC 27603

[brandon.neuman@nelsonmullins.com](mailto:brandon.neuman@nelsonmullins.com)

[jeff.kelly@nelsonmullins.com](mailto:jeff.kelly@nelsonmullins.com)

Tel.: 919.329.3800

Fax.: 919.329.3799

Samuel Rosenthal

Nelson Mullins Riley & Scarborough LLP

101 Constitution Ave NW, Suite 900

Washington, DC 20001

Tel. 202-689-2951

Fax: 202-689-2860

[sam.rosenthal@nelsonmullins.com](mailto:sam.rosenthal@nelsonmullins.com)

*Counsel for Defendants*

John Charles Quinn, Esq.  
Kaplan Hecker & Fink LLP  
350 Fifth Avenue, Ste. 63<sup>rd</sup> Floor  
New York, NY 10118  
Email: [jquinn@kaplanhecker.com](mailto:jquinn@kaplanhecker.com)  
Tel.: 212-763-0883  
Fax.: 212-564-0883

Kearns Davis, Esq.  
Daniel D. Adams  
Brooks Pierce McLendon Humphrey & Leonard LLP  
PO Box 26000  
Greensboro, NC 27420-6000  
Email: [kdavis@brookspierce.com](mailto:kdavis@brookspierce.com)  
Email: [dadams@brookspierce.com](mailto:dadams@brookspierce.com)  
Tel.: 336-373-8850  
Fax.: 336-378-1001

*Counsel for Dechert LLP*

Richard S. Glaser, Esq.  
Parker Poe Adams & Bernstein LLP  
Bank of America Tower  
620 S. Tryon St., Suite 800  
Charlotte, NC 28202  
Tel. (704) 372-9000  
Fax. (704) 334-4706  
Email: [rickglaser@parkerpoe.com](mailto:rickglaser@parkerpoe.com)

Nana Asante-Smith, Esq. 41073-510  
Parker Poe Adams & Bernstein LLP  
PNC Plaza  
301 Fayetteville Street, Suite 1400  
Raleigh, NC 27601  
Tel: 919.828.0564  
Fax: 919.834.4564  
Email: [nanaasantesmith@parkerpoe.com](mailto:nanaasantesmith@parkerpoe.com)

*Counsel for Christopher Swecker and Christopher Swecker Enterprises, LLC*

This, the 29th day of August, 2024.

**WOMBLE BOND DICKINSON (US) LLP**

*/s/ Ripley Rand* \_\_\_\_\_

Ripley Rand

North Carolina State Bar No. 22275

555 Fayetteville Street, Suite 1100

Raleigh, NC 27601

Telephone: (919) 755-8125

Facsimile: (919) 755-6752

Email: [ripley.rand@wbd-us.com](mailto:ripley.rand@wbd-us.com)

*Counsel for Plaintiff Farhad Azima*